

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**SCOTT ALBRIGHT, as Executor
of the Estate of DEAN THOMAS ALBRIGHT,**

Plaintiff,

v.

**Civil Action No. 3:20-CV-227
(Groh)**

JAKOB TOMAN and CTWWM, INC.,

Defendants.

**AGREED FINAL ORDER APPROVING SETTLEMENT
OF WRONGFUL DEATH CLAIM**

This matter came on for hearing on June 7, 2021, on the Petition and Application of Gloria Hankey, as Power of Attorney for Scott Albright, Personal Representative of The Estate of Dean Thomas Albright, to approve the settlement of a wrongful death claim pursuant to West Virginia Code §55-7-6. Present at the hearing were Gloria Hankey, Power of Attorney for Scott Albright, Personal Representative of The Estate of Dean Thomas Albright, deceased, with counsel, Stephen G. Skinner and Curtis Power for the Defendants. The Court makes the following findings of fact:

1. Gloria Hankey is the duly appointed Power of Attorney for Scott Albright, the administrator of the Estate of Dean Thomas Albright.
2. On January 25, 2019, Dean Thomas Albright was in a wreck that led to his death.
3. The Plaintiff brought the instant wrongful death action against Defendant Toman who was driving a truck owned by Defendant CTWWM, Inc and alleged that they were responsible for the death of Dean Thomas Albright.

4. After mediation, the parties entered into a settlement agreement whereby all claims are to be resolved, settled and dismissed, with prejudice, for payment of \$975,000.00. The settlement is global in nature and settles all claims with the Plaintiff with Defendants denying liability.

5. Under the Wrongful Death statute West Virginia Code § 55-7-6 et seq., potential Beneficiaries of the Estate of Dean Albright are Scott R. Albright, Phillip M. Albright, Dena M. Albright, Deborah A. Albright, Ronald D. Albright, Gloria J. Hankey and William T. Albright.

6. None of the surviving relatives are minors, mentally incompetent or incarcerated.

7. By agreement, Scott R. Albright, Dena M. Albright, Deborah A. Albright, Gloria J. Hankey and William T. Albright shall share the recovery in equal shares. Ronald D. Albright and Phillip M. Albright have waived their right to notice or any proceeds from the settlement.

8. The Plaintiff is represented by competent, experienced counsel who believes that the compromise, settlement and release of the Defendants will be in the best interest of the parties and persons entitled to the damages recovered for or in respect of the death of Dean Thomas Albright. The parties to this compromise and settlement agreement believe its terms constitute a good faith settlement which resolves any and all claims for monetary recovery which have or could have been asserted against Defendants in respect to any claims that have or could arise against them.

9. The Plaintiff engaged the services of the Skinner Law Firm to represent his interests and entered into a fee agreement under which the Plaintiff agreed

to pay a contingency fee of one third of any amount obtained in addition to all litigation expenses. Expenses in this matter total \$5,507.19.

10. Plaintiff seeks authorization of this Court to pay the fees and expenses in the total amount of \$330,507.19 to Skinner Law Firm from the gross settlement proceeds.

11. There are currently existing liens of \$100,000 to Allstate and \$1,197.51 to Medicare.

WHEREFOR, IT IS HEREBY ORDERED that the Petition is granted, that the settlement and distributions are fair, reasonable settlement and in the best interests of all those associated with this matter and the Court consents to and expressly approves the compromises and settlements therein proposed, including the release; that Gloria Hankey is authorized as the Power of Attorney for Scott Albright, Personal Representative of The Estate of Dean Thomas Albright, deceased, to execute a release to Jakob Toman and CTWW, Inc., releasing them, and their respective agents, employees and principals, heirs, successors and assigns, from any and all liability by reason of the death of Dean Thomas Albright;

The Court approves distribution of the proceeds as follows:

- a) \$330,507.19 to Skinner Law Firm for attorney fees and costs;
- b) \$1,197.51 to Medicare for its lien;
- c) \$100,000.00 to Allstate for its Medical Payments lien;
- d) \$108,659.06 to Gloria J. Hankey;
- e) \$108,659.06 to Scott R. Albright;
- f) \$108,659.06 to William T. Albright;

g) \$108,659.06 to Dena M. Albright;

h) \$108,659.06 to Deborah A. Albright;

The Court recognizes that the attorneys for the Plaintiff will continue to negotiate the liens to Medicare and Allstate and any reduction shall be added in equal shares to the approved distributions of Gloria J. Hankey; Scott R. Albright; William T. Albright; Dena M. Albright; Deborah A. Albright.

IT IS ALSO ORDERED that this action be and hereby is dismissed with prejudice, retired from the Court's docket, and placed among actions ended.



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE